INTERIOR BOARD OF INDIAN APPEALS

Estate of San Pierre Kilkakhan (Sam E. Hill)

7 IBIA 240 (10/23/1979)

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1 IBIA 299
4 IBIA 93
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Dismissed, *Sam v. Kleppe*, No. C-76-14 (E.D. Wash. Jan. 26, 1976)

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF SAN PIERRE KILKAKHAN (SAM E. HILL)

IBIA 79-12 Decided October 23, 1979

Appeal from order by Administrative Law Judge Robert C. Snashall, 1/ denying petition to reopen.

Reversed and remanded.

1. Evidence: Stipulations--Indian Probate: Reopening: Generally

   Upon a showing of probable error in prior order, a reopening pursuant to 43 CFR 206 and 4.242(a) is required. Where nationality of heirs was found to be relevant to the final order of distribution it was error to rely upon an agreed statement which was in conflict with evidence previously admitted to establish nationality.

2. Evidence: Stipulations--Indian Probate: Evidence: Generally

   Where a stipulation is used to establish material facts tending to prove nationality, and where nationality of heirs is a material issue in the probate proceedings, the Administrative Law Judge must, pursuant to 43 CFR 4.232(c), determine that all parties and their attorneys understand the stipulation and its effect, and that all consent to the use of the stipulation as evidence to prove the agreed facts.

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1/ Prior hearings in this probate were conducted by Administrative Law Judge R. J. Montgomery.

3. Evidence: Stipulations--Indian Probate: Evidence: Generally

Where the record fails to establish the consent of all the parties to a stipulation of fact, the parties may be relieved from the stipulation in the interests of justice.

4. Evidence: Stipulations--Indian Probate: Evidence: Generally

A stipulation is not binding upon the parties where the stipulation offered to establish facts concerning nationality contains an erroneous conclusion of law.

5. Indian Probate: Canadian Indian

Where evidence regarding nationality of heirs is conflicting and incomplete, another hearing is required to resolve the question.

6. Indian Probate: Attorneys at Law: Fees

Where briefs on appeal indicate a contingency fee arrangement has been made for attorney's fees, provisions of 25 U.S.C. §§ 1, 2, 81, 372, and 373 (1976), and 43 CFR 4.281 require approval of the fee arrangements by the Department.

7. Indian Probate: Determination of Heirs by Waiver or Agreement: Generally

Where prior determination of heirship by agreement is questioned and it appears an agreed heir may not have been entitled to take, the circumstances of the case require the estate be reopened.

APPEARANCES: Moshe J. Genauer, Esq., and Robert L. Pirtle, Esq., for appellants, Madeline Bone Wells, and Sarah Bone McCraigie; Richard B. Price, Esq., and Joseph Wicks, Esq., for intervenors, Richard B. Price, Joseph Wicks, and Earl K. Nansen.

OPINION BY ADMINISTRATIVE JUDGE ARNESS

Appellants Madeline Bone Wells and Sarah Bone McCraigie seek, pursuant to 43 CFR 4.242, to reopen the estate of San Pierre

Kilkakhan, who died intestate on February 2, 1967. A final order determining heirs was affirmed by this Board on January 21, 1976. Petition to reopen pursuant to 43 CFR 4.242(a) was filed by appellants on November 7, 1977. Appellants having previously been found to be heirs at law of the decedent now seek modification of a prior determination of nationality which was predicated upon a stipulation entered by their former attorneys and adopted without comment by this Board in its order dated July 11, 1975.

Intervention Allowed

Seeking to intervene in the action to reopen are Joseph Wicks, Richard B. Price, and Earl K. Nansen, the former attorneys for appellants (hereafter, intervenors). Appellants have moved to strike the attempted intervention by intervenors. For reasons hereafter discussed, the motion to strike is denied. A complete resolution of the issues requires the participation of intervenors.

Procedural Background

On September 14, 1967, an Order Determining Heirs was issued by the Administrative Law Judge, following the first hearing in the estate held on August 15, 1967. Appellants petitioned for a rehearing concerning the determination, which excluded them from a share in the estate. A rehearing was held on May 21, 1968. On March 11, 1971, an order issued affirming the first determination. On appeal from the second order to this Board on September 15, 1972, remand was ordered with instructions to conduct an evidentiary hearing to enable the Administrative Law Judge to make specific fact-findings concerning appellants' nationality.

On January 9, 1973, the required hearing was held. On October 30, 1974, the Administrative Law Judge reaffirmed his original order determining heirship, and again found the appellants not to be heirs of the decedent. Appeal to this Board resulted in a decision which recites:

> [T]he heirs of the decedent are found to be the children of Narcisse Bone, half brother of Edward Kilkakhan and first cousin of the decedent, and their respective shares in decedent's estate are found to be as follows:
>
> | | |
> |---|---|
> | MADELINE BONE WELLS--CANADIAN NATIONAL--1st cousin | 1/4 |
> | SARAH BONE MCGRAIGIE--CANADIAN NATIONAL--1st cousin | 1/4 |
> | JOSEPH BONE--CANADIAN NATIONAL--1st cousin | 1/4 |
> | ESTATE OF NARCISSE BONE, JR. Deceased,-- CANADIAN NATIONAL | 1/4 |

On September 2, 1975, two claimants to heirship in the estate who had not previously appeared in the probate proceedings sought to reopen the estate. Their petition was denied on September 19, 1975,

by the Administrative Law Judge, and denied on appeal to this Board on December 2, 1976. On January 21, 1976, a petition by them for reconsideration of their claim was also denied.

On November 7, 1977, appellants, alleging errors of fact and law had caused an erroneous determination of nationality, sought to reopen the probate of the estate to delete the declaration concerning nationality from the decision of July 11, 1975. Appellants' petition to reopen was denied by the Administrative Law Judge on September 20, 1978. On appeal to this Board, appellants' former attorneys seek also to intervene as parties in interest and petition for an order dismissing the appeal, or alternatively, that this Board order an inquiry into the attorney's fee arrangements made between appellants and their former attorneys, and approve the contingent fee arrangements so made. Appellants move to strike the intervenors' brief on the grounds the lawyers who formerly represented them are not "parties" within the meaning of 43 CFR 4.295(a).

Factual Background

On February 2, 1967, San Pierre Kilkakhan (known variously as Sam E. Hill and Sam E. Hilakahnn), the beneficial owner of allotted Colville lands and a cash trust account, died intestate at Nespelem, Washington. Eight persons claimed to be entitled to take all or part of the trust estate left by the decedent: Alice May Tatshima, claiming to be the decedent's daughter; appellants Madeline Bone Wells, Sarah Bone McCraigie and their brother Joseph Bone (Joe Bowen), claiming to be decedent's first cousins; Hattie Condon Marquez and Alfred McCoy, claiming to be second cousins (a grandniece and grandnephew of decedent's mother); and (later) Christine Sam and Nancy Judge, claiming to be decedent's first cousins, once removed. Three evidentiary hearings were held to establish the facts of heirship in this estate.

As to the claim of Alice May Tatshima, there was conflicting evidence of paternity by decedent. The evidence as to the other claimants, though legendary in character, was much clearer. It is reasonable to conclude, as did the Administrative Law Judge, that based upon the entire record, the evidence concerning paternity was insufficient to establish the Tatshima claim and that the relationship of the other claimants is as it is claimed. Appellants and their brothers are thus established to be the closest relatives living who claim to be heirs of the deceased. Under the applicable State law, they are the heirs of this estate. 2/

The record contains some evidence relating to the citizenship of appellants. It also shows that the order of this Board requiring the

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2/ Act of February 8, 1887, 24 Stat. 389, 25 U.S.C. § 348 (1976); see Estate of Ellen Phillips, 7 IBIA 100, 85 I.D. 438 (1978).

Administrative Law Judge to hold an evidentiary hearing to enable him to make specific findings on the question of nationality was not fully carried out. From the three hearings held an abbreviated personal history can be sketched for each heir, as follows:

Madeline Bone Wells

Madeline Bone Wells, appearing pro se at the first hearing in this probate held on August 15, 1967, testified (through an interpreter):

What is your name, age and address?

Madeline Bone Wells, I am 68 years old and I live at Oroville, Wash., and get my mail General Delivery.

To what tribe do you belong?

I don't know.

Are you enrolled in Canada?

We tried to get enrolled.

Have you ever been enrolled at the Colville Indian Agency?

We also tried there.

Are you a Canadian or U.S. Indian?

My dad was U.S. Indian and my mother was Canadian.

* * * * * *

Where did Narcisse Bone die?

Penticton, Canada.

Was your father enrolled in Canada?

I don't know.

Did your father ever live in the United States?

He went back and forth, he was U.S. Indian.

At the next hearing (where she was represented by intervenors) held on May 21, 1968, appellant states (through the interpreter):

> What is your name?
>
> Madeline Bone Wells.
>
> How old are you?
>
> I am 68 years old.
>
> Where do you live?
>
> Oroville, Washington.
>
> Are you a Canadian National?
>
> My mother was from Canada.
>
> Where were you born?
>
> In B.C. Canada.

Finally, at the hearing held January 9, 1973, the minutes of the Colville tribal enrollment committee as they pertain to appellant Wells were received as an official record 3/ concerning her to show:

> MADELINE BONE WELLS--She applied for enrollment with the Colville tribe. Testimony of Ed Kilkakhan, age 74. She is my niece. My 1/2 brother Narcisse Bone was the father of Madeline. Narcisse was living at Chopaka, Wa., when Madeline was born on the American side of the line, and doesn't have any rights on my reservation for Indians. Narcisse was born and lived near Chopaka. I knew the mother Julia very well and she was born near Penticiton [sic] and after she married Narcisse she lived at Chopaka with him. When Narcisse lived at Chopaka they just lived there and not on an allotment. Testimony of JOHN WELLS, age 77, allotment C-31. Stated he is the husband of Madeline and was a full blood Indian. He stated they got married at Curlew, Wa., and lived at Milson, Wa., and stated that they are now living at the David home at Oreville, Wash. Testimony of JOHN LOUIS, age 74, I am 1/2 Colville Indian and am on the Colvill Rolls. He stated that he knew Madeline since she was a little girl. Her Father, Narcisse Bone, was a full blood. Mother, Julia Bone was also a full blood. Madeline is a full blood.

3/ The evidentiary value of such records is defined in Hegler v. Faulkner, 153 U.S. 109 (1894).

Narcisse Bone and wife lived at Chopaka, Wa., and on the American Side and Madeline was born there. And he knew they got married (John Wells and Madeline) at Curlew, Wa., and are now living at Oroville, Washington. Madeline's mother was a sister of Ed Kilkakhan.

Appellant Wells now claims to be able to show she has been an enrolled member of the Colville Tribe since 1975.

Sarah Bone McCraigie

At the August 15, 1967, hearing, Sarah Bone McCraigie testified:

What is your name, age and address?

Sarah Bone McCragy [sic], I am 64 years old and I live at Omak, Wash., and get my mail at Gen. Del.

To what tribe do you belong?

I was supposed to be Colville, but they said we were Canadians.

Do you claim to be a Canadian Indian?

No.

Do you claim to be a U.S. Indian?

Yes, I was married here.

Next, on May 21, 1968, she testified:

What is your name?

Sarah McCraigie.

How old are you?

About 63.

Where do you get your mail?

General Delivery, Omak, Wash.

Where were you born?

Pentickton [sic], B.C., Canada.

Are you enrolled at the Colville Indian Agency?

I don't know.

This appellant also now claims to be able to show she has been enrolled in the Colville Tribe since 1975.

Joseph Bone or Joe Bowen

Appellants' brother Joseph Bone was born about 1904 and lives at Oroville, Washington. The Indian son of an American father, nothing else concerning his background appears of record.

Narcisse Jim Bone, Jr.

Appellants' second brother, Narcisse, Jr., died prior to August 15, 1967, the day the first testimony in this probate was offered. It is not clear that he died before decedent. There is evidence he left a son surviving him. Appellants seek to be allowed to reopen to prove he died without issue in 1956.

Agreed Facts Stipulated into Evidence to Establish Nationality

On September 15, 1972, a rehearing was ordered to adduce special findings regarding nationality. 4/ On January 9, 1973, the following transaction is recorded at the rehearing ordered:

> JUDGE MONTGOMERY: I can't see the issue where the question of nationality enters into the fact, because there are no inhibitions against the Canadian in the hearing.
>
> MR. PRICE: If the appeals board ask that the issue be heard, and if we can stipulate that they are Canadian nationals I'm willing to do so.
>
> JUDGE MONTGOMERY: I think it has been so settled, and I've issued orders to that effect.
>
> MR. DELLOW [sic]: We will stipulate if you will state that that's true. I believe my review indicates that.

4/ Estate of San Pierre Kilkakhan (Sam E. Hill), 1 IBIA 299, 79 I.D. 583 (1972), at 1 IBIA 310, which directed:

"[T]his matter is REMANDED for a further hearing after due notice given to the parties pursuant to 43 CFR 4.211 with special instructions that the Examiner, among other things, make specific findings of fact regarding the nationality of the appellants as heirs or children of Narcisse Jim or Bone, and that he issue a new decision based upon all the evidence in the record including that newly adduced at the supplemental hearing; * * *."

JUDGE MONTGOMERY: Will you dictate the stipulation then for the record.

MR. PRICE: It is stipulated by and between the parties through their attorneys that Sarah McCragy [sic] and Madeline Bone Wells are Canadian nationals, this having relation to the issuance of fee patents, directly to them in the event that this hearing determines that they are of closer relationship, and are the heirs entitled to the property in this estate.

JUDGE MONTGOMERY: Do you so stipulate, Mr. Dellwo?

MR. DELLWO: Yes.

JUDGE MONTGOMERY: There are orders on record where I've issued to the effect of the stipulation which I don't think needs any further clarification. Now then it's narrowed down to the fact that if your clients are closely related.

MR. DELLWO: And this new evidence.

JUDGE MONTGOMERY: Under the new evidence, of course, that's what we're here today for. Now, are you going to present any witnesses?

MR. DELLWO: We have no witnesses at this time. If it is limited, as he indicates, I don't think we'll have any witnesses.

This stipulation was incorporated by the Administrative Law Judge into his order of October 30, 1974, 5/ and referred to without comment by this Board in the order of July 11, 1975, which determined appellants and their two brothers to be the heirs at law of San Pierre Kilkakhan. There were several other instances during the course of

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5/ The specific findings of fact provided by the October 30, 1974, order issued by the Administrative Law Judge consist of the following recital:

"All parties have stipulated that Madeline Bone Wells, Sarah Bone McCragy [sic], and Joseph Bone, are Canadian Nationals. Therefore, orders declaring them to be Canadian Nationals, issued by this office, were not included in the record.

"Findings of facts and conclusions of law under which former findings were made, we believe, has been fully set forth in the record."

probate where agreed statements of fact were accepted by the Administrative Law Judge as substitutes for testimonial evidence or documentary evidence. 6/ But for the stipulation, no findings of fact concerning the nationality of appellants appear anywhere of record in this probate.

Appellants now repudiate the October 30 stipulation concerning Canadian citizenship. Appellant Madeline Bone Wells summarizes the position of both her and her sister thus:

> Although I am told that my former attorneys agree to my being considered a Canadian National, I have never considered myself to be a citizen or Indian of any other country besides the United States. I did not authorize my former attorneys, Nansen & Price, to agree with anyone that I was a Canadian National.
>
> * * * It was never explained to me and if it had been I would not have agreed to sign my land that I received from San Pierre Kilkakhan away to anyone. I remember seeing a paper similar to what I am now told conveys my land to Nansen, Price & Wicks, but I never understood that this paper could ever give away my land. The importance of this paper was explained to me in the Fall of 1977 for the first time.

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6/ For example, following the hearing of May 21, 1968, the following declaration was inserted into the record:

"STIPULATION AND AGREEMENT

"It is hereby stipulated and agreed between Mr. Joseph Wicks, Attorney at Law, for the Petitioners, and the persons found to be heirs in original Order, Hattie Condon Marquez and Alfred McCoy, that:

> 'San Pierre Kilkakhan (Sam E. Hill), the decedent, died intestate on or about February 2, 1967, at the age of about 54 years, while a resident of the State of Washington, being unmarried and without issue, father, mother, brother or sister, or issue of deceased brother or sister at the time of his death.
>
> 'It is further stipulated and agreed among the parties hereto that Hattie Condon Marquez and Alfred McCoy are related to the decedent as shown in original Order.
>
> 'It is further stipulated and agreed that Edward Kilkakhan was the father of Sam E. Hill.'

"All parties ratified and agreed to the above Stipulation and Agreement before me at Coulee Dam, Washington on May 21, 1968,

/s/ R. J. Montgomery
Examiner of Inheritance."

Issues on Appeal

The issues put before the Board are four--(1) Did the statement concerning nationality stipulated by counsel bind the parties? (2) Was the stipulation correct in fact and in law? (3) Does the nationality of these heirs affect the contract for attorney's fees between appellants and intervenors? (4) Was Narcisse Bone an heir of San Pierre Kilkakhan?

DISCUSSION AND DECISION

Stipulation as to Nationality

[1] Appellants rely upon the provisions of 43 CFR 4.242, which permit reopening upon a showing of alleged errors of fact or law, to obtain, for the fifth time, a review of this estate. Despite the length of this probate, further review is required. Since it appears that the protracted adjudication of the issues arising during this probate has prevented any conveyances of any part of the trust real property, the questions presented are not moot.

[2] The "stipulation" which appears of record does not affirmatively appear to have been agreed to by petitioners. 7/ It is not written, but was spoken into the record by one of the intervenors. No recorded inquiry was put to appellants by the Administrative Law Judge concerning their understanding of the stipulation or their consent to it.

[3] It is the responsibility of the trier of facts in cases where agreed statements are offered as stipulations to ascertain that the parties and their counsel understand the stipulations and their effect. 8/ To prevent an injustice, the parties may be relieved from a stipulation under certain circumstances where it appears there will be no damage to any party as a result. 9/ Where, as here, the stipulation operates to deny parties an evidentiary record which can be reviewed for error, the stipulation is not merely an agreed statement concerning purely procedural or peripheral matters, but a matter of substantial importance. 10/

7/ It is considered significant that the stipulation of May 21, 1968 (footnote 3, supra), recites the parties "ratified and agreed" to that earlier statement of fact. No such recitation is made concerning the later stipulation which purports to establish alien status for petitioners. The omission of a recital that conditions required to be met before stipulations can be used indicates, under the circumstances, that the appellants did not agree.

8/ Jones v. Jones, 161 P.2d 890 (Wash. 1945); Baird v. Baird, 494 P. 2d 1387 (Wash. App. 1972).

9/ State v. Wehringer, 47 P.2d 35 (Wash. 1935).

10/ Adoption of Coggins, 537 P.2d 287 (Wash. 1975).

[4] Further, stipulations as to matters of law are not binding where they contain erroneous conclusions of law. 11/ Here the stipulation is stated in the form of a legal syllogism making it apparent the assumptions upon which it was based comprised a legal issue in the case--the issuance of a fee patent to appellants in the event they were declared heirs of the estate. A conflict exists between facts which appear of record to indicate the heirs of this estate are U.S. citizens, and the stipulation agreed to before the Administrative Law Judge which declares them to be Canadians. This contradiction in the record must be resolved, especially since it involves the administration by this agency of its own regulation which requires the determination of the nationality of heirs by the Administrative Law Judge as the trier of fact. 12/

The stipulation begs the very question for which remand to take evidence was ordered--the question of nationality. Appellants may stipulate the issue away if they wish, but the record must affirmatively show they have done so. 13/ This Board has the power to reconsider prior actions taken in the interests of justice. 14/

Facts In Evidence To Show Citizenship

[5] Ignoring the stipulation as to nationality, the facts now in evidence tend to indicate Madeline Bone Wells is an American citizen. 15/ The same can be said of Sarah Bone McCraigie (though perhaps with somewhat less assurance 16/). Both appellants are daughters of an American, both married Americans, and both have lived in the State of Washington some time. The record concerning Joseph Bone is much less clear because it is much less detailed. So far as Narcisse Bone, Jr., is concerned, only his parentage and the fact of his death are known. Unless sufficient evidence is received concerning the personal history of each heirs' nationality, the issue as to each cannot be decided.

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11/ Sanford's Estate v. Commissioner of Internal Revenue, 308 U.S. 39 (1939); Rusans v. State, 498 P.2d 724 (Wash. 1970).

12/ 43 CFR 4.206.

13/ An action to terminate the trust status of allotted lands is a serious matter, and is perhaps the single most significant act the Secretary can take in the administration of Indian Affairs, see Handbook of Federal Indian Law by Felix Cohen, pp. 108-109; Administrative Appeal of Oglala Sioux Tribe v. Commissioner, 7 IBIA 188, 207 (1979).

14/ 43 CFR 4.290; 43 CFR 4.242. Section 4.290 was revised February 1, 1978, for the specific purpose of removing limitations on the Board's scope of review. See 43 FR 5514 (Feb. 9, 1978).

15/ See the citizenship Act of 1924, Act of June 2, 1924, 43 Stat. 253.

16/ See Act of February 8, 1887, 24 Stat. 390; Act of February 10, 1855, 10 Stat. 604; and see Act of June 27, 1952, 66 Stat. 234, 8 U.S.C. § 1359 (1976), and Akins v. Saxbe, 380 F. Supp. 600 (N.D. Maine, 1974).

Attorney's Fee Contract

[6] Intervenors' brief calculates $23,608.64 was received from appellants on March 29, 1976, towards an agreed fee. The final fee was to be 50 percent of the total "recovery" in this case, calculating the value of all trust property inherited. This may amount to more than $125,000, according to intervenors' affidavits. Intervenors' brief leaves no doubt the 50 percent contingent fee was directed solely to the determination of heirship in this probate.

Contracts between Indians and their attorneys which affect land in a trust status are subject to review and supervision by the Secretary of the Interior. 17/ Departmental regulations provide for the fixing of attorney's fees in Indian probate proceedings by the Administrative Law Judge, and permit rehearings and appeals concerning such fees. 18/ Under the circumstances of this case, the determination of the nationality of the heirs and the question of the propriety of the issuance to them of a fee patent are directly connected to the question of the validity of a series of contingent fee arrangements now revealed to this Board for the first time. If the petitioners or some of them are found to be United States citizens, the trust land (and the cash accounts) will clearly retain their character as trust property.

To complete the factual record and to eliminate the possibility of injustice the circumstances surrounding the making of the contract for attorney's fees and the successive modifications of that contract in this probate matter are relevant. The trust estate cannot be charged for fees for other work done, which intervenors suggest, such as the state probate of Narcisse Jim Bone, Jr.'s, estate or the defense of the Federal court case brought by Christine Sam, and Nancy Judge. 19/ The contingent fee agreement, not having been first approved by the Department in this probate, is clearly void. 20/ The Administrative Law Judge must make, therefore, whatever orders concerning attorney's fees appear appropriate, based upon his findings.

The Share of Narcisse Bone, Jr.

[7] The facts concerning the date of death of Narcisse Bone, Jr., remain to be developed and the law of the State of Washington applied to the facts found. 21/ If Narcisse Bone, Jr., died after the decedent in this estates, additional inquiry must be made into the facts of his nationality as well.

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17/ 25 U.S.C. §§ 1, 1a, 81, 372, and 373 (1976); Udall v. Lettell, 366 F.2d 668, cert. denied, 385 U.S. 1007, rehearing denied, 386 U.S. 939 (1966).

18/ 43 CFR 4.281; and see Estate of William Cecil Robedeaux, 2 IBIA 33, 80 I.D. 390 (1973).

19/ Estate of John J. Akers, 1 IBIA 246, 258, 79 I.D. 404 (1972).

20/ Estate of Tah-wat-is-tah-ker-na-ker or Lucy Sixteen, 1 IA 1324, 70 I.D. 531 (1963).

21/ See Revised Code of Washington, 1963, sec. 11.04.020 (6).

ORDER

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1:

1. The order of the Administrative Law Judge denying appellants' petition for reopening is reversed;

2. This matter is remanded for an evidentiary hearing as required by this opinion. The Administrative Law Judge will take evidence concerning the nationality of each of the four heirs of the estate and make specific findings of fact regarding the nationality of each of the heirs of the estate based upon the facts found. Further, he will inquire into the attorney's fee contract entered into between appellants and intervenors pursuant to the provisions of 25 U.S.C. § 81 (1976) and 43 CFR 4.281. Based upon the facts found, the Administrative Law Judge will make whatever orders are appropriate; and

3. This order is effective immediately. All proceedings in this matter are ordered stayed pending the hearing ordered.

//original signed
Franklin Arness
Administrative Judge

We concur:

//original signed
Wm. Philip Horton
Chief Administrative Judge

//original signed
Mitchell J. Sabagh
Administrative Judge